

### REMARKS

Applicant respectfully requests reconsideration of the above identified application. Claims 1-30 are pending. Claims 1-3, 5, 11, 13 and 19 are rejected. Claims 26-30 are allowed. Claims 4, 6-10, 12, 14-18 and 20-25 are objected to.

### Double Patenting Rejections

The Office Action mailed on May 4, 2006, rejects Claims 1-3, 5, 11, 13 and 19 under the non-statutory judicially created doctrine of double patenting with regard to subject matter claimed by Claims 18, 22 and 28 of US Patent No. 6,684,346.

Accordingly, Applicant respectfully submits herewith as a separate paper a Terminal Disclaimer under 37 CFR §1.321(c) to overcome the rejection.

### Claim Objections

The Office Action objects to Claims 2 and 11 as allegedly being substantial duplicates. Applicant respectfully requests the Examiner explain what authority prohibits claims of substantially similar scope in the same patent application.

Applicant further points out that Claim 11 sets forth:

11. (Original) An apparatus comprising:
  - multiprocessing circuitry to provide a plurality of processing elements;
  - a machine check abort handling mechanism to quiet the plurality of processing elements responsive to a machine check abort exception condition;
  - a first processing element of the plurality of processing elements to attempt a recovery responsive to the machine check abort exception condition; and
  - a second processing element of the plurality of processing elements to continue execution responsive to the attempted recovery of the first processing element being a success.

In contrast, Claim 1 sets forth (emphasis added) that the machine check abort handling mechanism is further “to permit at least one processing element of the plurality of processing elements to execute a first exception handler responsive to the machine check abort exception condition,” and Claim 2 sets forth (emphasis added) that, the machine check abort handling mechanism further “permits a second processing element of the plurality of processing elements to continue execution responsive to the attempted recovery of said at least one processing element being a success.”

Applicant respectfully submits that there is a semantic difference in the instant claim language, and so they are not duplicates as the Examiner alleges. Accordingly, at least in light of the above arguments, Applicant believes Claims 2 and 11 are allowable in the same patent application.

The remaining comments are directed to Claims 1-3, 5, 11, 13 and 19.

#### 35 U.S.C. § 102(e) Rejections

The Office Action rejects Claims 1-3, 5, 11, 13 and 19 under 35 U.S.C. 102(e) as allegedly being anticipated by US Pat. No. 6,189,117 B1 (Batchelor). Applicant respectfully disagrees.

Claim 1, for example, sets forth:

1. (Original) An apparatus comprising:
  - multiprocessing circuitry to provide a plurality of processing elements;
  - a machine check abort handling mechanism to quiet the plurality of processing elements in response to a machine check abort exception condition, and to permit at least one processing element of the plurality of processing elements to execute a first exception handler responsive to the machine check abort exception condition and to attempt a recovery.

Clearly, the subject matter of Claim 1 is directed to a mechanism for handling of machine check abort exceptions.

Yet Batchelor discloses with regard to the prior art that upon entering the machine check handling mode, the processor would hang-up because the machine check handling logic is designed to handle errors in the processor (col. 2, lines 28-31). But Batchelor is directed to errors generated in an external PCI bridge network, and so avoids the machine

check handling mode of the prior art by having the system return "innocuous data" that would not cause the processor to take further action (col. 6, lines 58-63). Thus Batchelor does not suggest permitting the processor to execute the exception handler responsive to the machine check abort exception condition to attempt a recovery, but rather preventing the processor from entering the machine check handling mode.

The MPEP § 2131 states that:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Applicant respectfully submits that in the cited reference, each and every element as set forth in Claims 1, 11 and 19 is not found, either expressly or inherently described.

Further, Claim 19, sets forth:

19. (Original) A system comprising:
  - multiprocessing circuitry to provide a plurality of processing elements;
  - communication circuitry to signal the plurality of processing elements to quiet activity, said signal being responsive to a machine check abort exception condition; and
  - one or more storage medium accessible at least to a first processing element of the plurality of processing elements, said one or more storage medium having an executable exception handler stored thereon, which, when accessed by the first processing element, causes the first processing elements to check error conditions responsive to the machine check abort exception condition, and to attempt a recovery.

Batchelor also fails to suggest communication circuitry to signal the plurality of processing elements to quiet activity responsive to a machine check abort exception condition. On the contrary, Batchelor suggests that local bridges prevent normal completion of I/O operations but that the processors still execute the tasks even though the tasks do not complete (col. 7, lines 37-40).

Thus each and every element as set forth in Claim 19 is not found, either expressly or inherently described in the cited reference.

Accordingly, at least in light of the above arguments, Applicant respectfully requests the Examiner withdraw the rejection of Claims 1-3, 5, 11, 13 and 19 for allegedly being anticipated by Bachelor.

Applicants, therefore, believe that Claims 1-30 are presently in condition for allowance and such action is earnestly solicited.

### CONCLUSION

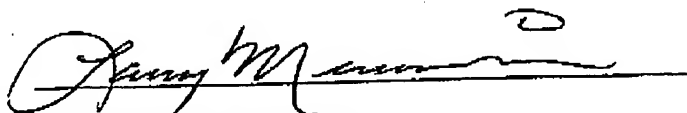
Applicants respectfully submit the present claims for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Lawrence M. Mennemeier at (408) 765-2194.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Date: 9-30-06



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